

**DECLARATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD AND APPARATUS FOR RECEIVED UPLINK-SIGNAL BASED ADAPTIVE  
DLINK DIVERSITY WITHIN A COMMUNICATION SYSTEM**

the specification of which:

(check one)

[X] is attached hereto;

[ ] was filed as United States Application Serial No. \_\_\_\_\_ on \_\_\_\_\_, and was amended on \_\_\_\_\_ (if applicable);

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

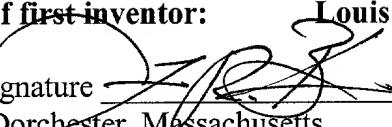
I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information which is known to me to be material to the patentability of said invention in accordance with 37 C.F.R. §1.56;

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

(Application Number)	(Filing Date) (day, month, year)
(Application Number)	(Filing Date) (day, month, year)

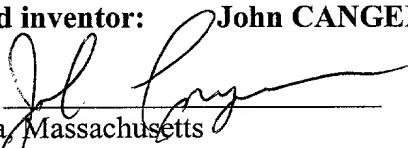
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of first inventor:** Louis R. BROTHERS, Jr.

Inventor's signature   
Residence: Dorchester, Massachusetts  
Citizen of: United States  
Post Office Address: 28 Charlotte Street, Dorchester, Massachusetts 02121

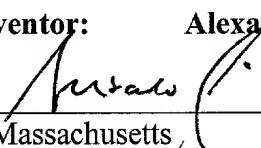
Date 10/17/01

**Full name of second inventor:** John CANGEME

Inventor's signature   
Residence: Billerica, Massachusetts  
Citizen of: United States  
Post Office Address: 21 Richardson Street, Billerica, Massachusetts 01821

Date 10/17/01

**Full name of third inventor:** Alexander FLAIG

Inventor's signature   
Residence: Concord, Massachusetts  
Citizen of: Germany  
Post Office Address: 30 Hawthorne Village, Concord, Massachusetts 01742

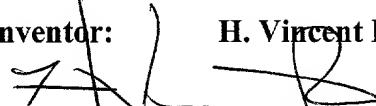
Date 10/17/01

**Full name of fourth inventor:** Samuel J. MACMULLAN

Inventor's signature   
Residence: Carlisle, Massachusetts  
Citizen of: United States  
Post Office Address: 5 Hillside Drive, Carlisle, Massachusetts 01741

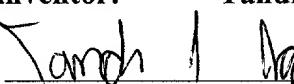
Date 10/18/01

**Full name of fifth inventor:** H. Vincent POOR

Inventor's signature   
Residence: Princeton, New Jersey  
Citizen of: United States  
Post Office Address: 59 Hardy Drive, Princeton, New Jersey 08540

Date 11/12/01

**Full name of sixth inventor:** Tandhoni S. RAO

Inventor's signature   
Residence: Ashland, Massachusetts  
Citizen of: United States  
Post Office Address: 2 Parker Road, Ashland, Massachusetts 01721

Date 10/17/01

**Full name of seventh inventor:** Stuart C. SCHWARTZ

Inventor's signature Stuart C. Schwartz Date Nov. 12, 2001

Residence: Princeton, New Jersey

Citizen of: United States

Post Office Address: 4 Evelyn Place, Princeton, New Jersey 08540

**Full name of eighth inventor:** Triveni N. UPADHYAY

Inventor's signature Triveni N. Upadhyay Date October 25, 2001

Residence: Concord, Massachusetts

Citizen of: United States

Post Office Address: 156 Caterina Heights, Concord, Massachusetts 01742

Applicant or Patentee: Louis R. BROTHERS, Jr. et al.  
Serial No.:   
Filed: Herewith  
For: Patent No.:  
Issued:  
METHOD AND APPARATUS FOR RECEIVED UPLINK-SIGNAL BASED  
ADAPTIVE DOWNLINK DIVERSITY WITHIN A COMMUNICATION  
SYSTEM

**ASSERTION OF ENTITLEMENT TO SMALL ENTITY STATUS UNDER  
37 C.F.R. §1.27 - SMALL BUSINESS CONCERN**

I hereby declare that I am:

- the owner of the small business concern identified below;  
 an official of the small business concern empowered to act on behalf of the  
concern identified below:

Name of Small Business Concern: Envoy Networks, Inc.  
Address of Small Business Concern: 23 Fourth Avenue  
Burlington, MA 01803-3303

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §121 for purposes of paying reduced fees under 35 U.S.C. §§41(a) and (b), in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both;

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled METHOD AND APPARATUS FOR RECEIVED UPLINK-SIGNAL BASED ADAPTIVE DOWNLINK DIVERSITY WITHIN A RADIO SYSTEM and described in:

- the specification filed herewith;  
 the application identified above; or  
 the patent identified above;

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. §1.27(a)(1) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.27(a)(2) and 13 C.F.R. §121 or a nonprofit organization under 37 C.F.R. §1.27(a)(3):

\*NOTE: Please obtain separate Assertions of Entitlement to Small Entity Status from each named person, concern or organization having rights to the invention averring to their status as small entities.

Name:  
Address:

Individual  Small Business Concern  Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.27(g))

Signature



11-14-01

Date

Name of Person Signing

Thomas Lambalot

Title of person other than owner

President and Chief Executive Officer

Address of person signing

23 Fourth Avenue

Burlington, MA 01803-3303

PROBLEMS? CALL 1-800-777-4764

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of Louis R. BROTHERS, Jr. et al.

Serial No.: Examiner:

Filed: Herewith Art Unit:

For: **METHOD AND APPARATUS FOR RECEIVED UPLINK-SIGNAL BASED  
ADAPTIVE DOWNLINK DIVERSITY WITHIN A COMMUNICATION  
SYSTEM**

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Commissioner for Patents  
Washington, D.C. 20231

**POWER TO PROSECUTE BY ASSIGNEE  
AND STATEMENT UNDER 37 C.F.R. §3.73(b)**

As the assignee of record of the entire right, title, and interest in the above-identified application, the registered practitioners of Cooley Godward LLP included in the Customer Number provided below are hereby granted Power to prosecute this application and any applications claiming priority to this application, and to transact all business in the U.S. Patent and Trademark Office connected therewith.

The assignee certifies that to the best of its knowledge and belief it is the owner of the entire right, title, and interest in and to the above-identified application as evidenced by:

[X] An assignment document, a copy of which is enclosed herewith;

[ ] An assignment previously recorded in the U.S. Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_.

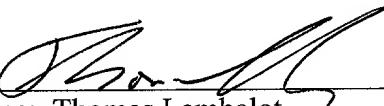
Please direct all telephone calls and correspondence to:

COOLEY GODWARD LLP  
Attention: Patent Group  
One Freedom Square - Reston Town Center  
11951 Freedom Drive  
Reston, Virginia 20190-5601  
Tel: (703) 456-8000  
Fax: (703) 456-8100

CUSTOMER NUMBER: **022903**

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

Date: 11-14-01

Signature: 

Name: Thomas Lambalot  
Title: President and Chief Executive Officer  
Company: Envoy Networks, Inc.

**ASSIGNMENT**  
**(Joint)**

Louis R. BROTHERS, Jr., John CANGEME, Alexander FLAIG, Samuel J. MACMULLAN, H. Vincent POOR, Tandhoni S. RAO, Stuart C. SCHWARTZ, and Triveni N. UPADHYAY, residing at 28 Charlotte Street, Dorchester, Massachusetts 02121; 21 Richardson Street, Billerica, Massachusetts 01821; 30 Hawthorne Village, Concord, Massachusetts 01742; 5 Hillside Drive, Carlisle, Massachusetts, 01741; 59 Hardy Drive, Princeton, New Jersey, 08540; 2 Parker Road, Ashland, Massachusetts 01721; 4 Evelyn Place, Princeton, New Jersey 08540; and 156 Caterina Heights, Concord, Massachusetts 01742, respectively, (hereinafter each referred to as "Assignor") have made an invention(s) relating to certain new and useful improvements in:

**METHOD AND APPARATUS FOR RECEIVED UPLINK-SIGNAL BASED  
ADAPTIVE DOWNLINK DIVERSITY WITHIN A COMMUNICATION  
SYSTEM**

set forth in an application for Letters Patent of the United States, which is a

- (1) [ ] provisional application
  - (a) [ ] to be filed herewith; or
  - (b) [ ] bearing Application No. , and filed on ; or
- (2) [X] non-provisional application
  - (a) [X] having an oath or declaration executed on prior to filing of application; or
  - (b) [ ] bearing Application No. , and filed on ; and

WHEREAS, Envoy Networks, Inc., a corporation duly organized under and pursuant to the laws of the state of Delaware, and having its principal place of business at 23 Fourth Avenue Burlington, Massachusetts 01803-3303 (hereinafter referred to as "the Assignee"), is desirous of acquiring the entire right, title, and interest in and to said invention(s), the right to file applications on said invention(s) and the entire right, title and interest in and to any applications, including provisional applications, for Letters Patent of the United States or other countries claiming priority to said application, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon;

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, the Assignor has sold, assigned, transferred, and set over, and by these presents does sell, assign, transfer, and set over, unto the Assignee, its successors, legal representatives, and assigns the entire right, title, and interest in and to the above-mentioned invention(s), the right to file applications on said invention(s) and the entire right, title and interest in and to any applications for Letters Patent of the United States or other countries claiming priority to said applications, and any and all Letters Patent or Patents of the United States of America and all foreign countries that may be granted therefor and thereon, and in and to any and all applications claiming priority to said applications, divisions, continuations, and continuations-in-part of said applications, and reissues and extensions of said Letters Patent or Patents, and all rights under the Paris Convention for the Protection of Industrial Property, the same to be held and enjoyed by the Assignee, for its own use and behalf and the use and behalf of its successors, legal representatives, and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted as fully and

entirely as the same would have been held and enjoyed by the Assignor had this sale and assignment not been made;

AND for the same consideration, the Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns, that, at the time of execution and delivery of these presents, the Assignor is a lawful owner of the entire right, title, and interest in and to the invention(s) set forth in said applications and said applications, including provisional applications, above-mentioned, and that the same are unencumbered, and that the Assignor has good and full right and lawful authority to sell and convey the same in the manner herein set forth;

AND for the same consideration, the Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns that the Assignor will, whenever counsel of the Assignee, or the counsel of its successors, legal representatives, and assigns, shall advise that any proceeding in connection with said invention(s) or said applications for Letters Patent or Patents, or any proceeding in connection with Letters Patent or Patents for said invention(s) in any country, including interference proceedings, is lawful and desirable, or that any application claiming priority to said application, division, continuation, or continuation-in-part of any applications for Letters Patent or Patents, or any reissue or extension of any Letters Patent or Patents to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent or Patents for said invention(s), without charge to the Assignee, its successors, legal representatives, and assigns, but at the cost and expense of the Assignee, its successors, legal representatives, and assigns;

AND the Assignor hereby authorizes and requests the attorneys of COOLEY GODWARD L.L.P. to insert in the spaces provided above the filing date, application number, the date of execution of the oath or declaration, and attorney docket number of said application when known;

AND the Assignor hereby requests the Commissioner of Patents to issue any and all said Letters Patent of the United States to the Assignee, as the Assignee of said invention(s) and the Letters Patent to be issued thereon for the sole use and behalf of the Assignee, its successors, legal representatives, and assigns.

Date: 10/17/01

By:

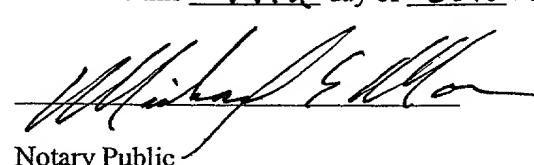


Louis R. BROTHERS, Jr.

State of: Massachusetts

County of: Middlesex

The preceding Assignment was acknowledged before me this 17th day of October 2001  
by Michael E. Marin

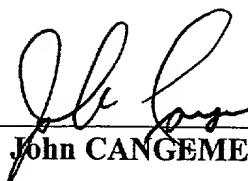


Notary Public

My Commission Expires: 6/3/2006

Date: 10/17/01

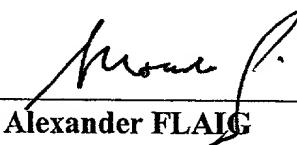
By:

  
John CANGEMEState of: MassachusettsCounty of: MiddlesexThe preceding Assignment was acknowledged before me this 17th day of October, 2001  
by Michael R. MarinMy Commission Expires: 6/02/2006Date: 10/17/01

By:



Notary Public

  
Alexander FLAJGState of: MASSACUSSETTSCounty of: MIDDLESEXThe preceding Assignment was acknowledged before me this 17th day of October 2001  
by Michael R. MarinMy Commission Expires: 6/02/2006Date: 10/18/01

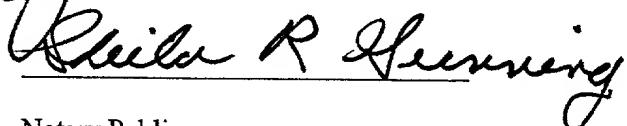
By:

  
Samuel J. MACMULLANState of: MassachusettsCounty of: MiddlesexThe preceding Assignment was acknowledged before me this 18th day of October 2001  
by Michael R. MarinMy Commission Expires: 6/02/2006

Notary Public

Date: Nov 12, 2001State of: New JerseyCounty of: Mercer

The preceding Assignment was acknowledged before me this 12<sup>th</sup> day of November  
2001 by Sleida R. Henning



Notary Public

My Commission Expires: 5/22/2006Date: 10/17/01

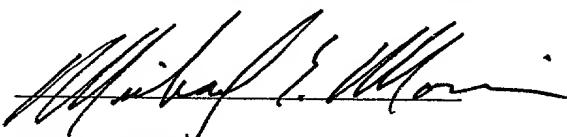
By:



Tandoni S. RAO

State of: MassachusettsCounty of: Middlesex

The preceding Assignment was acknowledged before me this 17<sup>th</sup> day of October 2001  
by Michael E. Morin



Notary Public

My Commission Expires: 6/03/2006

Date: Nov. 12, 2001

By:

Stuart C. Schwartz

Stuart C. SCHWARTZ

State of: New Jersey  
County of: Mercer

2001 The preceding Assignment was acknowledged before me this 12<sup>th</sup> day of November  
by Stuart R. Schwartz

Notary Public

My Commission Expires: 5/22/2006

Date: October 25, 2001

By:

Triveni N. UPADHYAY

State of: Massachusetts

County of: Middlesex

2001 The preceding Assignment was acknowledged before me this 25th day of October  
by Michael E. Morin

Notary Public

My Commission Expires: 6/02/2006